



April 15, 2013

Clerk of the Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ APR 19 2013 ★  
**BROOKLYN OFFICE**

To Whom This May Concern;

eFactor3, LLC, does not wish to be part of the Settlement(s) in *Precision Associates, Inc. v. Panalpina World Transport*, No. 08-cv-00042 (JG). I have no idea how we got included in this class action suit but we want to be omitted immediately. We are objecting to being included in the above listed suit.

We do not use any of the carriers listed and haven't been for years. We are receiving multiple emails and letters concerning this suit and that needs to stop immediately.

Thank you in advance for taking our name out of this suit and stopping any further inquiries in regards to this class action suit. We do not wish to receive any settlement funds that might be the direct result of this suit.

Lisa Weavil

A handwritten signature in cursive script, appearing to read "Lisa Weavil".

Operations Manager  
eFACTOR3, LLC  
11540 N. Community House Road  
Suite C-250  
Charlotte, NC 28277  
704.944.3232

11540 N Community House Road T 704.944.3232  
Suite C-250 F 704.944.3234  
Charlotte, NC 28277 www.efactor3.com



**FREIGHT FORWARDERS SETTLEMENT**  
C/O FREIGHT FORWARDERS CLAIMS ADMINISTRATOR  
PO BOX 3747  
PORTLAND, OR 97208-3747  
U.S.A



485504235329

000 0064881 00000000 001 005 06489 0000 0 0



EFACTOR3 LLC  
11540 NORTH COMMUNITY HOUSE ROAD SUITE 250  
CHARLOTTE, NC 28277-1834 35

## **CLAIM FORM**

### **GENERAL INSTRUCTIONS**

This Claim Form relates to *Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) LTD, et al.*, 08 Civ. 0042 (JG) (VVP) in the United States District Court for the Eastern District of New York.

To be eligible to share in the Settlement Fund for the Settlement Class in the above-named class action, you must have (1) directly purchased Freight Forwarding Services; (2) from any of the Settling or Non-Settling Defendants, their subsidiaries, or affiliates; (3) from January 1, 2001 through September 14, 2012; (4) in the U.S., or outside the U.S. for shipments within, to, or from the U.S.

“Freight Forwarding Services” means freight forwarding, transportation, or logistics services for shipments, including services relating to the organization or transportation of items via air, ocean, rail, and road, both nationally and internationally, and related activities such as customs clearance, warehousing, and ground services.

If you fit this description you are a member of the Settlement Class and are entitled to submit a claim to share in the Settlement Fund. Excluded from the Settlement Class are all Defendants, their subsidiaries and affiliates, and their co-conspirators. Also excluded from the Settlement Class are all governmental entities.

**Settlement Class Members who seek payment from the Settlement Fund must complete and return this Claim Form.** Completed Claim Forms must be mailed to the Freight Forwarders Claims Administrator (“Claims Administrator”) at the above address or can be submitted via the Settlement website, [www.FreightForwardCase.com](http://www.FreightForwardCase.com). **Claim Forms must be POSTMARKED OR SUBMITTED ONLINE NO LATER THAN NOVEMBER 22, 2013.** You should save all relevant documents supporting your claim as you may be required to provide them later.

All inquiries regarding your claim should be made (1) in writing to the Claims Administrator at the address above, (2) by visiting the settlement website, [www.FreightForwardCase.com](http://www.FreightForwardCase.com), (3) via e-mail at [questions@FreightForwardCase.com](mailto:questions@FreightForwardCase.com), or (4) by calling the information helpline: U.S. & Canada (Toll-Free) 1-877-276-7340; International (Toll) (503) 520-4400.

Before you complete and submit this Claim Form by mail or online, you should read and be familiar with the Notice of Proposed Class Action Settlement (“the Notice”) available at [www.FreightForwardCase.com](http://www.FreightForwardCase.com). Defined terms (with initial capitals) used in these General Instructions have the same meaning as set forth in the Notice. By submitting this Claim Form, you acknowledge that you have read and understand the Notice, and you agree to the Releases included as a material term of each settlement agreement.

**QUESTIONS? CALL U.S. & CANADA (TOLL-FREE): 1-877-276-7340;  
INTERNATIONAL (TOLL): 503-520-4400; OR VISIT [www.FreightForwardCase.com](http://www.FreightForwardCase.com)**



If you fail to submit a timely Claim Form, your claim may be rejected and you may be precluded from any recovery from the Settlement Fund. If you are a member of the Settlement Class and you do not timely and validly seek exclusion from the Settlement Class, you will be bound by any judgment entered by the Court approving the Settlements regardless of whether you submit a Claim Form.

To receive the most current information and regular updates, please submit your Claim Form on the settlement website at [www.FreightForwardCase.com](http://www.FreightForwardCase.com). On the settlement website, you will be able to submit web claims and receive future notices via email. Accordingly, if you prefer to receive all future notices by *mail only*, please check here. ☐

## SECTION A – CLAIMANT INFORMATION

**Claimant Name(s)** (As you would like the name(s) to appear on the check, if eligible for payment):

First Name	MI	Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Business Name

**Name Of The Person You Would Like The Claims Administrator To Contact Regarding This Claim**  
(if different from the Claimant Name(s) listed above):

First Name	MI	Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Claimant Or Representative Contact Information:** The Claims Administrator will use this information for all communications relevant to this Claim (including the check, if eligible for payment). If this information changes, you **MUST** notify the Claims Administrator in writing at the address above or online at [www.FreightForwardCase.com](http://www.FreightForwardCase.com).

Street Address

City

State

Zip Code/Postal Code

Country (Other than U.S.)

Province

Daytime Telephone Number

Evening Telephone Number

Email Address

**IF YOU FAIL TO SUBMIT A COMPLETE CLAIM BY NOVEMBER 22, 2013, YOUR CLAIM IS SUBJECT TO REJECTION OR YOUR PAYMENT MAY BE DELAYED.**

**QUESTIONS? CALL U.S. & CANADA (TOLL-FREE): 1-877-276-7340;  
INTERNATIONAL (TOLL): 503-520-4400; OR VISIT [www.FreightForwardCase.com](http://www.FreightForwardCase.com)**

**SECTION B - SCHEDULE OF QUALIFYING PURCHASES OR SHIPMENTS**

Please provide a summary of all Freight Forwarding Shipping Services that you have purchased from any of the below listed defendants or their subsidiaries or affiliates: (1) for shipments within, to, or from the United States or (2) in the United States for shipments anywhere in the world, during the period from January 1, 2001 to September 14, 2012. Please type or print neatly all information and check all that apply. If you need additional space, please continue on additional pages, make a note of the same on this Claim Form, and submit your additional pages with this Claim Form. Round the total purchase amount to the nearest dollar or whole unit of the currency for which you are claiming. Please indicate the currency you are using (Example: USD, EUR, CAD, JPY, CNY). Please also specify the date(s) of your purchase(s) and the origin(s) and destination(s) of your shipment(s).

Freight Forwarder (Indicate All That Apply)	Total Purchase Amount January 1, 2001 through September 14, 2012 (All Freight Charges And Surcharges, Excluding Taxes On Those Charges)			Shipping Routes	
	CURRENCY	AMOUNT	DATE(S) (MMDDYY)	ORIGIN(S)	DESTINATION(S)
ABX or SAIMA					
BAX Global					
Dachser					
DFDS or DSV					
DHL, Danzas (dba, DHL Global Forwarding), or Deutsche Post					
DHL Japan, DHL Global Forwarding Japan K.K., Danzas Maruzen, Airborne Express, or Air Express International					
EGL or Eagle					
Exel					
Expeditors					
Geodis or Geodis Wilson					
Geo-Logistics or Agility					

QUESTIONS? CALL U.S. & CANADA (TOLL-FREE): 1-877-276-7340;  
INTERNATIONAL (TOLL): 503-520-4400; OR VISIT [www.FreightForwardCase.com](http://www.FreightForwardCase.com)



	CURRENCY	AMOUNT	DATE(S) (MMDDYY)	ORIGIN(S)	DESTINATION(S)
Hankyu Hanshin Express, Hankyu Travel International or Hanshin Air Cargo					
Hellman					
Jet Speed					
Kuehne + Nagel or Kühne + Nagel					
Kintetsu World Express					
"K" Line Logistics					
MOL Logistics					
Morrison Express					
Nippon Express					
Nishi-Nippon					
Nissin					
Panalpina					
Schenker or Deutsche Bahn					
SDV					
Toll or Baltrans					
UPS Supply Chain Solutions Inc., United Parcel Service (UPS), Menlo Worldwide, or Emery					

QUESTIONS? CALL U.S. & CANADA (TOLL-FREE): 1-877-276-7340;  
INTERNATIONAL (TOLL): 503-520-4400; OR VISIT [www.FreightForwardCase.com](http://www.FreightForwardCase.com)

	CURRENCY	AMOUNT	DATE(S) (MMDDYY)	ORIGIN(S)	DESTINATION(S)
United Aircargo Consolidators					
UTi Worldwide					
Vantec					
Yamato					
Yusen Air & Sea					

1. Please state the sum total of freight forwarding shipments that you made with all Defendants or affiliates of the Defendants for each of the following:

a. For air shipments from Japan into the United States:

Total number of shipments between September 1, 2002 and November 30, 2007

--	--	--	--	--	--	--	--

Total number of shipments between December 1, 2007 and September 14, 2012

--	--	--	--	--	--	--	--

b. For air shipments from anywhere in the world (except Japan) to the United States:

Total number of shipments from January 1, 2003 to November 30, 2007

--	--	--	--	--	--	--	--

Total number of shipments from December 1, 2007 to September 14, 2012

--	--	--	--	--	--	--	--

c. For ocean shipments from anywhere in the world to the United States:

Total number of shipments between September 1, 2002 and November 30, 2007

--	--	--	--	--	--	--	--

Total number of shipments between December 1, 2007 and September 14, 2012

--	--	--	--	--	--	--	--

2. Please state the sum total poundage of freight forwarding shipments that you made with all Defendants or affiliates of the Defendants for each of the following:

a. For air shipments from anywhere in the world to or from the United States:

Total pounds of shipments between October 1, 2001 and November 30, 2007

--	--	--	--	--	--	--	--

Total pounds of shipments between December 1, 2007 and September 14, 2012

--	--	--	--	--	--	--	--

b. For air shipments from Japan to the United States; or for air shipments purchased in the United States for shipment from Japan to anywhere in the world:

Total pounds of shipments between September 1, 2002 and November 30, 2007

--	--	--	--	--	--	--	--

Total pounds of shipments from December 1, 2007 to September 14, 2012

--	--	--	--	--	--	--	--

QUESTIONS? CALL U.S. & CANADA (TOLL-FREE): 1-877-276-7340;  
INTERNATIONAL (TOLL): 503-520-4400; OR VISIT [www.FreightForwardCase.com](http://www.FreightForwardCase.com)



3. Please state the sum total dollar Purchase Amount that you paid for freight forwarding shipments to all Defendants or affiliates of the Defendants during the following time periods on the following routes:

a. From July 5, 2005 to December 31, 2006 from China to the United States:

CURRENCY	AMOUNT	DATE(S) (MMDDYY)	ORIGIN(S)	DESTINATION(S)

- b. From Hong Kong to the United States during (i) August 2005 to January 1, 2006; (ii) August 2006 to January 1, 2007; (iii) August 2007 to January 1, 2008 time period; or for shipments from Hong Kong to anywhere in the world that were purchased in the United States for the same periods of time:

CURRENCY	AMOUNT	DATE(S) (MMDDYY)	ORIGIN(S)	DESTINATION(S)

If you know that you have made shipments with Defendants within the timeframes above, but cannot state your purchases with specificity, please state the reasons why you cannot provide the information requested:

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## SECTION C – SUBMISSION TO JURISDICTION OF THE COURT

By signing below, you are submitting to the jurisdiction of the United States District Court for the Eastern District of New York.

## SECTION D – CERTIFICATION UNDER PENALTY OF PERJURY

I hereby certify under penalty of perjury that:

1. The information provided in this Claim Form is accurate and complete to the best of my knowledge, information and belief;
2. I agree to provide additional information to Settlement Class Counsel or the Claims Administrator to support my claim, if necessary;
3. I am either (a) a member of the Settlement Class and did not request to be excluded from the Settlement Class or (b) the assignee or transferee of, or the successor to, the claim of a member of the Settlement Class and did not request to be excluded from the Settlement Class;
4. I have not entered into a settlement for any of the claims set forth in this Claim Form;
5. I am neither a Defendant, nor a parent, employee, subsidiary or affiliate of a Defendant;
6. I am not a government entity; and
7. I have not submitted any other claim for the same purchases of Freight Forwarding Shipping Services and have not authorized any other person or entity to do so, and know of no other person or entity having done so on my behalf.

Signature

Date

<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>
MM			DD			YY	

Class Member (Print your name)

First Name

MI

Last Name

Business Name

Claimant Name (if different from above)

First Name

MI

Last Name

Social Security Number

OR

Taxpayer ID

Title (e.g., President, CFO)

Phone Number

QUESTIONS? CALL U.S. & CANADA (TOLL-FREE): 1-877-276-7340;  
INTERNATIONAL (TOLL): 503-520-4400; OR VISIT [www.FreightForwardCase.com](http://www.FreightForwardCase.com)



Form **W-8BEN**  
(Rev. February 2006)  
Department of the Treasury  
Internal Revenue Service

# Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding

OMB No. 1545-1621

► Section references are to the Internal Revenue Code. ► See separate instructions.  
► Give this form to the withholding agent or payer. Do not send to the IRS.

## Do not use this form for:

- A U.S. citizen or other U.S. person, including a resident alien individual . . . . . W-9
- A person claiming that income is effectively connected with the conduct of a trade or business in the United States . . . . . W-8ECI
- A foreign partnership, a foreign simple trust, or a foreign grantor trust (see instructions for exceptions) . . . . . W-8ECI or W-8IMY
- A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession that received effectively connected income or that is claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) (see instructions) . . . . . W-8ECI or W-8EXP

**Note:** These entities should use Form W-8BEN if they are claiming treaty benefits or are providing the form only to claim they are a foreign person exempt from backup withholding.

- A person acting as an intermediary . . . . . W-8IMY

**Note:** See instructions for additional exceptions.

Instead, use Form:

## Part I Identification of Beneficial Owner (See instructions.)

<b>1</b> Name of individual or organization that is the beneficial owner	<b>2</b> Country of incorporation or organization															
<b>3</b> Type of beneficial owner: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Individual</td> <td><input type="checkbox"/> Corporation</td> <td><input type="checkbox"/> Disregarded entity</td> <td><input type="checkbox"/> Partnership</td> <td><input type="checkbox"/> Simple trust</td> </tr> <tr> <td><input type="checkbox"/> Grantor trust</td> <td><input type="checkbox"/> Complex trust</td> <td><input type="checkbox"/> Estate</td> <td><input type="checkbox"/> Government</td> <td><input type="checkbox"/> International organization</td> </tr> <tr> <td><input type="checkbox"/> Central bank of issue</td> <td><input type="checkbox"/> Tax-exempt organization</td> <td><input type="checkbox"/> Private foundation</td> <td colspan="2"></td> </tr> </table>		<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Disregarded entity	<input type="checkbox"/> Partnership	<input type="checkbox"/> Simple trust	<input type="checkbox"/> Grantor trust	<input type="checkbox"/> Complex trust	<input type="checkbox"/> Estate	<input type="checkbox"/> Government	<input type="checkbox"/> International organization	<input type="checkbox"/> Central bank of issue	<input type="checkbox"/> Tax-exempt organization	<input type="checkbox"/> Private foundation		
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Disregarded entity	<input type="checkbox"/> Partnership	<input type="checkbox"/> Simple trust												
<input type="checkbox"/> Grantor trust	<input type="checkbox"/> Complex trust	<input type="checkbox"/> Estate	<input type="checkbox"/> Government	<input type="checkbox"/> International organization												
<input type="checkbox"/> Central bank of issue	<input type="checkbox"/> Tax-exempt organization	<input type="checkbox"/> Private foundation														
<b>4</b> Permanent residence address (street, apt. or suite no., or rural route). <b>Do not use a P.O. box or in-care-of address.</b>																
City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)															
<b>5</b> Mailing address (if different from above)																
City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)															
<b>6</b> U.S. taxpayer identification number, if required (see instructions) <input type="checkbox"/> SSN or ITIN <input type="checkbox"/> EIN	<b>7</b> Foreign tax identifying number, if any (optional)															
<b>8</b> Reference number(s) (see instructions)																

## Part II Claim of Tax Treaty Benefits (if applicable)

- 9** I certify that (check all that apply):
- a ☐ The beneficial owner is a resident of \_\_\_\_\_ within the meaning of the income tax treaty between the United States and that country.
  - b ☐ If required, the U.S. taxpayer identification number is stated on line 6 (see instructions).
  - c ☐ The beneficial owner is not an individual, derives the item (or items) of income for which the treaty benefits are claimed, and, if applicable, meets the requirements of the treaty provision dealing with limitation on benefits (see instructions).
  - d ☐ The beneficial owner is not an individual, is claiming treaty benefits for dividends received from a foreign corporation or interest from a U.S. trade or business of a foreign corporation, and meets qualified resident status (see instructions).
  - e ☐ The beneficial owner is related to the person obligated to pay the income within the meaning of section 267(b) or 707(b), and will file Form 8833 if the amount subject to withholding received during a calendar year exceeds, in the aggregate, \$500,000.
- 10** Special rates and conditions (if applicable—see instructions): The beneficial owner is claiming the provisions of Article \_\_\_\_\_ of the treaty identified on line 9a above to claim a \_\_\_\_\_ % rate of withholding on (specify type of income): \_\_\_\_\_  
 Explain the reasons the beneficial owner meets the terms of the treaty article: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Part III Notional Principal Contracts

- 11** ☐ I have provided or will provide a statement that identifies those notional principal contracts from which the income is **not** effectively connected with the conduct of a trade or business in the United States. I agree to update this statement as required.

## Part IV Certification

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- 1 I am the beneficial owner (or am authorized to sign for the beneficial owner) of all the income to which this form relates.
  - 2 The beneficial owner is not a U.S. person.
  - 3 The income to which this form relates is (a) not effectively connected with the conduct of a trade or business in the United States, (b) effectively connected but is not subject to tax under an income tax treaty, or (c) the partner's share of a partnership's effectively connected income, **and**
  - 4 For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.
- Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which I am the beneficial owner or any withholding agent that can disburse or make payments of the income of which I am the beneficial owner.

**Sign Here**

Signature of beneficial owner (or individual authorized to sign for beneficial owner)

Date (MM-DD-YYYY)

Capacity in which acting

**For Paperwork Reduction Act Notice, see separate instructions.**

Cat. No. 25047Z

Form **W-8BEN** (Rev. 2-2006)



Printed on Recycled Paper

## **If You Purchased Freight Forwarding Services**

### **YOU COULD GET BENEFITS FROM A CLASS ACTION SETTLEMENT**

A class action lawsuit claims that freight forwarders throughout the world ("Defendants") conspired to fix prices for their services, including on routes between the U.S. and China, Hong Kong, Japan, Taiwan, and the U.K. Some of the companies who were sued have agreed to Settlements. These "Settling Defendants" are ABX Logistics Worldwide NV/SA; EGL, Inc. and EGL Eagle Global Logistics; Expeditors International of Washington, Inc.; Kuehne + Nagel International AG and Kuehne + Nagel, Inc.; Morrison Express Logistics Pte. (Singapore) and Morrison Express Corporation (U.S.A.); Nishi-Nippon Railroad Co., Ltd.; Schenker, Inc. and its parents, subsidiaries, and affiliates, including Deutsche Bahn AG, Schenker AG, and Bax Global, Inc.; United Aircargo Consolidators, Inc.; UTi Worldwide, Inc.; and Vantec Corporation and Vantec World Transport (USA), Inc. The lawsuit continues against the Non-Settling Defendants (see the website below for a list). The Settling Defendants vigorously deny they did anything wrong. They have asserted a number of defenses but have agreed to settle to avoid the cost and risk of trial. The case is continuing against non-settling defendants.

### **AM I INCLUDED?**

You may be included in one or more of the Settlements (as a Class Member) if you: 1) Directly purchased Freight Forwarding Services; 2) from any of the Settling or Non-Settling Defendants, their subsidiaries, or affiliates; 3) from January 1, 2001 through September 14, 2012; 4) in the U.S., or outside the U.S. for shipments within, to, or from the U.S. "Freight Forwarding Services" means freight forwarding, transportation, or logistics services for shipments, including services relating to the organization or transportation of items via air, ocean, rail, and road, both nationally and internationally, and related activities such as customs clearance, warehousing, and ground services. All you need to know is in the full Notice, including information on who is or is not a Class Member.

### **WHAT DO THE SETTLEMENTS PROVIDE?**

The Settling Defendants will establish a Settlement Fund with a minimum of \$105,611,864.54.

### **HOW TO GET BENEFITS?**

If you are a Class Member and do not opt out of these Settlements, you are eligible to submit a claim and receive benefits. The amount of your benefits will be determined by the Plan of Allocation, which will be posted on the site [www.FreightForwardCase.com](http://www.FreightForwardCase.com) on or before March 4, 2013. A claim form has been provided with this notice. You can obtain an additional Claim Form by calling 1-877-276-7340 or visiting [www.FreightForwardCase.com](http://www.FreightForwardCase.com). The claims deadline is November 22, 2013.

### **YOUR OTHER RIGHTS**

If you do not want to be legally bound by one or more of the Settlements, or you want to sue a Settling Defendant separately about the claims in this lawsuit, you must exclude yourself in writing by identifying each Settlement for which you seek exclusion. The exclusion deadline is **June 25, 2013**. If you stay in a Settlement, you may object to it by **June 25, 2013**. The Detailed Notice, available at the website below, explains how to exclude yourself and object. The Court has appointed lawyers to represent you at no charge to you. You may hire your own lawyer at your own cost. The Court will hold a hearing on **August 9, 2013 at 10:00 a.m.** to consider 1) whether to approve the Settlements and plan of distribution, and 2) Class Counsel's request for fees of up to 33% of the Settlement Fund, plus interest, and reimbursement for their expenses. You or your own lawyer may ask to appear and speak at the hearing.

**THIS NOTICE IS ONLY A SUMMARY. FOR DETAILED INFORMATION:  
CALL U.S. & CANADA: 1-877-276-7340 (TOLL-FREE), INTERNATIONAL: 1-503-520-4400 (TOLL)  
OR VISIT [WWW.FREIGHTFORWARDCASE.COM](http://WWW.FREIGHTFORWARDCASE.COM)**



